

SOCIAL SECURITY LAWS

of the

STATE OF WASHINGTON

As of April 1, 1939



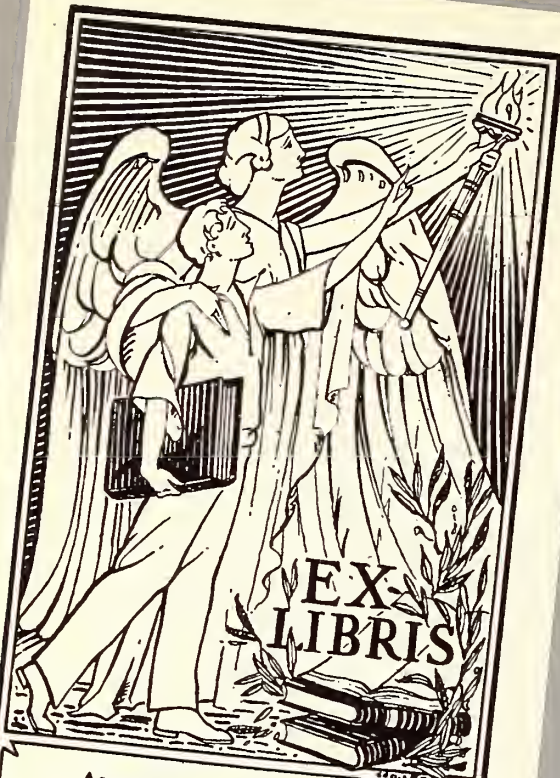
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State Department of Social Security

Charles F. Ernst, Director

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FOREWORD

Following the 1937 legislative session the State Department of Social Security made a compilation of the 1933, 1935, and 1937 Legislation dealing with the Social Security programs.

The changes in these programs which were made by the 1939 Legislature make it necessary to revise the earlier compilation. In this revised pamphlet there will be found the laws dealing with the administration of public assistance in the State of Washington and with the respective duties of state and local government in bringing the services of the Social Security program to the people of this state.

Principal changes in the legislation involve the repeal of Chapter 180, Laws of 1937 and the enactment of Chapter 216, Laws of 1939, defining the responsibilities of county and state governments for public assistance and clarifying need, eligibility, and resources in the determination of public assistance.

Olympia, Washington
August 1, 1939

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CHAPTER III, - LAWS OF 1937

DEPARTMENT OF SOCIAL SECURITY

AN ACT creating the state department of social security and several divisions thereof, providing for the appointment of officers to administer such department and divisions and prescribing their powers and duties, abolishing the department of public welfare and divisions thereof, providing for the transfer of property and business of such department to the department of social security and declaring that the act shall take effect April 1, 1937.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is hereby created a department of the state government which shall be known as the department of social security. The chief executive officer thereof, who shall be designated the director of social security, shall be appointed by the governor, with the consent of the Senate, and shall hold office at the pleasure of the governor. If the Senate be not in session when this act takes effect or if a vacancy occur while the Senate is not in session, the governor shall make a temporary appointment until the next meeting of the Senate, when he shall present to the Senate his nomination for the office.

SEC. 2. The department of social security shall be organized into and consist of four divisions to be designated, respectively, (1) the division of public assistance, (2) the division of old-age assistance, (3) the division for children and, (4) the division for the blind.

SEC. 3. The director of social security shall have general charge and supervision of the department of social security and shall have power to employ such clerical and other office personnel as may be necessary for the general administration of the department.

SEC. 4. The director of social security shall appoint and deputize four assistant directors to be designated, respectively, the supervisor of public assistance, the supervisor of old-age assistance, the supervisor of children and the supervisor of the blind, who shall have charge and supervision, respectively, of the division of public assistance, the division of old-age assistance, the division for children and the division for the blind. Each such assistant director shall have power, with the approval of the director of social security, to appoint and employ such assistants and clerical and other office personnel as may be necessary to carry on the work of his division.

SEC. 5. The director of social security shall have power with the approval of the governor, to make such rules and regulations as may be necessary to carry out the powers and duties of his department.

SEC. 6. The director of social security shall have the power and it shall be his duty, through and by means of the division of public assistance:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the division of relief of the department of public welfare and to exercise all the powers and perform all the duties now exercised and performed by the department of public welfare, or which may hereafter be conferred, in respect to the administration of general public assistance including assistance to persons who are unemployed, sick, or indigent.

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

SEC. 7. The director of social security shall have the power and it shall be his duty, through and by means of the division of old-age assistance:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the division of social security of the department of public welfare in respect to the administration of old-age assistance.

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

SEC. 8.

SEC. 9.

(Sections 8 and 9, referring to Divisions of Unemployment Compensation and Employment Service, were repealed by Chapter 12, Laws of 1939 which created the Unemployment Compensation and Placement Commission.)

SEC. 10. The director of social security shall have the power and it shall be his duty, through and by means of the division for children:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the division of child welfare of the department of public welfare.

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

SEC. 11. The director of social security shall have the power and it shall be his duty, through and by means of the division for the blind:

(1) To exercise all the powers and perform all the duties now exercised and performed by the department of public welfare, or which may hereafter be conferred, in respect to the administration of assistance, pecuniary or otherwise, to blind persons.

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

SEC. 12. The director of social security shall be the responsible state officer for the administration of, and the disbursement of all funds which may be received by the state in connection with old-age assistance, aid to dependent children, aid to the blind, services for crippled children, child welfare services vocational rehabilitation, and all other matters included in the Federal social security act approved August 14, 1935, or as the same may be amended, excepting such as are required to be administered by the department of education or the state board for vocational education and excepting such funds administered and disbursed in connection with public health services such as communicable disease control, maternal and child health, sanitation and vital statistics services. He shall make such reports and render such accounting as may be required by the Federal officer, board or bureau having authority in the premises.

SEC. 13. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect April 1, 1937, on which date all powers heretofore exercised and duties heretofore performed by the department of public welfare, through and by means of its various divisions, shall devolve upon the department of social security and the divisions thereof created by this act. The department of public welfare, together with all divisions thereof, is hereby abolished, but such abolishment shall not in any way affect the powers conferred or duties required by the statutes whereby such department and divisions were created; nor shall such abolishment affect the validity of any act performed before April 1, 1937. The incumbents of the department and divisions abolished by this act may continue to hold office and perform any act required of them by law until such time after April 1, 1937, as the department of social security and its respective divisions are organized and the officers thereof are duly appointed and qualified.

SEC. 14. Upon the organization of the department and divisions created by this act, and the appointment and qualification of officers thereof, all funds, books, papers, documents, records, data, files, and all other equipment and property belonging to the department and divisions abolished by this act, together with pending business pertaining thereto, shall be delivered and surrendered to the department of social security and the appropriate division thereof. If any question shall arise as to the proper disposition of such property or business, the matter shall be referred to the governor for determination.

SEC. 15. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Passed the Senate March 1, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 216, LAWS OF 1939

PUBLIC ASSISTANCE

AN ACT relating to the care, support and relief of needy persons; defining terms; providing necessary means and procedure for the furnishing of public assistance to such persons; defining need and resources to govern the determination of eligibility of persons to assistance under this act, and fixing the responsibility of certain relatives with respect to support of needy persons; creating and/or defining the powers and duties of certain state and county officers in connection with the administration of public assistance; providing for appeals in certain cases; imposing penalties for violations of the act; providing for the levy of taxes; making appropriations; creating the Washington Welfare Survey Commission, defining its powers and duties and providing for its expenses; repealing chapter 180, Laws of 1937 excepting section 11, and all acts or parts of acts in conflict herewith, and declaring an emergency whereby the act shall become effective April 1, 1939.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. For the purposes of this act, unless otherwise clearly indicated by the context:

The word "assistance" shall mean public aid to persons in need thereof for a any cause, and shall include services, direct relief, work relief, medical and institutional care.

The term "budgetary basis" shall mean a basis taking into consideration an applicant's need and resources, and shall be measured in relation to a basic minimum family budget determined by the department.

The word "committee" shall mean the Social Security Committee created by this act.

The word "department" shall mean the Department of Social Security.

The word "director" shall mean the Director of the Department of Social Security.

The term "direct relief" shall mean payment by cash or voucher to provide the necessities of life to a person and his dependents, and shall include materials furnished or services rendered for such purpose to such person and dependents in his own home.

The term "federal-aid assistance" shall mean the specific categories of assistance for which provision is made in the Federal Social Security Act of August 14, 1935, including old-age assistance, aid to dependent children, services to crippled children, child welfare services, other handicapped persons, aid to the needy blind and any other category for which the Federal government provides or for which it may hereafter provide matching funds.

The term "general assistance" shall mean all assistance other than Federal-aid assistance as herein defined: PROVIDED, That if Federal matching funds are

hereafter made available by act of Congress for any category of general assistance, then and in that event that particular category shall for the purpose of securing the benefit of such matching be considered as Federal-aid assistance.

The term "grant-in-aid" shall mean an allocation of public funds by the state to counties for public assistance purposes.

The term "institutional care" shall mean care provided by counties through hospitals, sanatoria and homes or farms.

The term "public assistance" shall mean and include Federal-aid assistance and general assistance.

The term "work relief" shall mean wages paid by a body politic or corporate to persons who are unemployed, or whose employment is inadequate to provide the necessities of life to themselves and dependents, out of money specifically appropriated or contributed for that purpose, for the performance of services or labor connected with work undertaken by such body independent of work under contract or for which an annual appropriation is made: PROVIDED, That the expenditure of moneys made available for assistance purposes under this act in connection with work relief programs shall be limited to the payment of wages exclusively.

In the construction of words and phrases used in this act, the singular number shall include the plural, the masculine gender shall include both the feminine and neuter genders and the present tense shall include the past and future tenses, unless the context thereof shall clearly indicate to the contrary.

SEC. 2. There is hereby created a State Social Security Committee to consist of the Governor, the Director of Finance, Budget and Business and a third member to be appointed by the Governor, who shall not be a state officer or employee. The members of the committee shall serve without compensation for their services, but the appointive member shall be entitled to expenses actually incurred in the discharge of his duties which expenses shall be paid out of money appropriated to the Department of Social Security. The committee shall have control of the administration of this act and exercise such powers and perform such duties as are prescribed herein.

SEC. 3. The personnel required to carry out the provisions of this act shall be selected under a merit system administered by the Social Security Committee under rules and regulations promulgated by it for that purpose. Such merit system shall be administered on such basis as will serve to comply with the minimum requirements of the Federal government in regard to personnel selection. The committee shall have power to employ sufficient clerical or other assistants to enable it to administer the merit system and to pay such assistants out of moneys appropriated to the Department of Social Security.

SEC. 4. The County Commissioners of each county in the state shall appoint a County Administrator who shall have full charge of administration of all public assistance within the county. Such appointment shall be made from an eligible

list submitted to the County Commissioners by the Committee. Upon the appointment of the County Administrator, that officer shall have power to, and shall, employ such assistants, experts and other personnel within the county as may be necessary to carry out the provisions of this act which employment shall be on a merit basis in accordance with the rules and regulations of the committee: PROVIDED, That this requirement shall not apply to the filling of non-executive positions. The County Administrator before qualifying shall furnish a surety company bond in such amount as may be fixed by the committee, but not less than \$5,000, conditioned that the administrator will faithfully account for all money and property that may come into his possession or control.

SEC. 5. The care, support and relief of needy persons is hereby declared to be a joint Federal, state and county function. The several counties of the state are hereby charged with the responsibility, by and through their respective Boards of County Commissioners, for the administration of public assistance to such persons; but they shall be subject to state supervision as in this act provided.

The state hereby undertakes to make available to the counties from state and Federal funds sufficient moneys to enable the counties to discharge their responsibility with respect to Federal-aid assistance; while the respective counties shall provide funds by means of the county tax, hereinafter required to be levied, to discharge their responsibility for general assistance.

SEC. 6. The Department of Social Security shall serve as the single state agency to supervise the administration of public assistance. The department shall periodically make application for Federal funds and submit such plans, reports and data, as are required by any act of Congress as a condition precedent to the receipt of Federal matching funds for such assistance. The department, also, shall have power to make and enforce such rules and regulations as shall be necessary to insure compliance with the terms and conditions of public assistance grants. In the event of non-compliance with any such rules and regulations, the department shall have the power and it shall be its duty to take over the administration of public assistance programs in any county involved until compliance shall have been effected, during which time the department shall have power to authorize and approve the expenditure of all public assistance funds within the county.

SEC. 7. To the end that the department's supervision over county administration of public assistance funds may be made effective, it shall be the duty of the Board of County Commissioners of each county in the state to submit to the department, and through the department to the committee, not later than April 1, 1939, a county plan which shall include:

1. An agreement to submit an annual estimate at such time as may be fixed by the committee showing the county's requirements and resources for the ensuing year with respect to all public assistance and plans for the expenditure thereof.

2. An agreement to submit quarterly budgets at least thirty days in advance of each quarterly period showing the requirements and resources of the county with respect to public assistance, together with supporting records and data, based upon past expenditures for such purposes and anticipated demands for further funds.

3. An agreement to comply with the terms of this act respecting the issuance of warrants through the office of the State Auditor.

4. An agreement to keep such records, make such reports and use such blank and forms as may be prescribed by the committee. Said records, reports, blanks and forms shall not exceed in scope and extent the minimum requirements of the Federal government in respect thereof.

5. An agreement to provide a full and fair hearing to each applicant as provided in this act.

6. An agreement to make available for assistance purposes a sum equal to a three-mill tax levy upon the assessed valuation of its taxable property, together with such miscellaneous revenues as may accrue to the county through the operation of public assistance programs, and to apply such moneys in accordance with uniform standards prescribed by the department and submit quarterly reports of all expenditures for such assistance purposes within the county.

7. A statement of plans for the conduct of investigations of need and the determination of eligibility for the granting of public assistance.

SEC. 8. The County Administrator of each county in the state shall quarterly at least thirty days before the beginning of the new quarter, submit to the director a request for Federal-aid assistance which request shall be accompanied by a budget of estimated necessary expenditures for such assistance purposes within the county for such quarter. Such budget shall state the amount estimated to be needed within the county during such quarter for each category of such assistance and shall show actual expenditures made for such purposes within the county during the elapsed portion of the preceding quarter. The director shall carefully review each budget so submitted and may either approve or revise the same whereupon each budget together with the approval or revision thereof by the director shall be submitted by him to the Social Security Committee for final approval. If the budget of a county is approved by the committee it shall allocate and set aside to such county in the general fund of the State Treasury an amount equal to the total budget so approved, which shall be available to the county for Federal-aid assistance for the quarter. In the event that the director or the committee deems it necessary, supplementary budget information shall be furnished them by the County Administrator. No county shall obligate its quarterly allocation of Federal-aid assistance funds until its budget is approved by the committee, nor shall a county obligate, from state or Federal funds, any moneys in excess of such quarterly allocation without the approval of the committee. Allocations of state and Federal funds, as in this section provided, shall be made upon the basis of need within the respective counties as disclosed by the quarterly budgets, considered in conjunction with revenues available for the satisfaction of that need: PROVIDED, That in preparing his quarterly budget for Federal-aid assistance, the administrator shall include the aggregate of the individual case load approved by the department to date on the basis of need and the director and committee shall approve and allocate an amount sufficient to service the aggregate case load as included in said budget and in the event any portion of the budgeted case load cannot be serviced with moneys available for the particular category for which an application is made the committee may on the administrator's request authorize the transfer of sufficient general assistance funds to the appropriation for such category to service such case load and secure the benefit of Federal matching funds.

SEC. 9. All Federal-aid assistance authorized by the County Administrator shall be paid by warrant of the State Auditor. The County Administrator shall on or before the twentieth day of each calendar month prepare and submit to the Department of Social Security a roll for each category of such assistance containing the names and addresses of all recipients of such payments for the month and the respective amounts to be paid to each such recipient. Each such roll shall be authenticated and approved by the County Administrator in the same form as required of public payrolls and upon approval by the Director of Social Security shall be transmitted to the State Auditor for the issuance of warrants.

SEC. 10. Each county in the state shall levy annually a tax upon the assessed valuation of its taxable property at a rate not less than three mills for public assistance purposes. The proceeds of such tax shall be deposited in the county current expense fund in an assistance account and shall be disbursed by warrant of the County Auditor upon a prescribed form authenticated by the County Administrator and approved by the Board of County Commissioners. Disbursements of moneys in such account shall be made primarily for general assistance purposes and shall conform to the uniform standards established as specified in this act. General assistance within the meaning of this section shall include hospital and institutional care, medical care and public health activities.

In the event that any county in the state does not for general assistance purposes require the entire proceeds of the three-mill levy hereby required to be made, considered in conjunction with revenues accruing to the county from the administration of public assistance programs, it shall so report to the Department of Social Security stating the amount of the over-plus or estimated over-plus, and the director shall immediately bill the county for the return to the state of moneys theretofore allocated to the county and expended for Federal-aid assistance in an amount equal to such over-plus or estimated over-plus. The director shall certify the bill to the County Auditor who shall immediately issue a warrant against the county current expense fund and forward the same to the director who shall transmit the warrant to the State Treasurer for deposit in the general fund.

SEC. 11. If any county finds that proceeds of the three-mill levy required by this act to be made for general assistance purposes are inadequate for such purposes, the County Administrator shall be empowered to submit to the director and committee a request for a special grant-in-aid of state funds. Such request shall be accompanied by a budget of estimated necessary expenditures for general assistance for the period covered by the request and such other data and information as the director may prescribe. For the purpose of this section general assistance shall include programs under Division 1 (b), Medical and Institutions. Upon consideration of such request and supporting budget, the committee shall allocate to the county such amount as in its judgment is proper for general assistance purposes, and immediately notify the administrator of the amount of the allocation. Disbursements for general assistance under this section shall be made by warrant of the County Auditor in the manner prescribed in section 10, and the county shall from time to time be reimbursed for such expenditures by warrant of the State Auditor drawn against the county's allocation of funds in the state treasury. In order to secure reimbursement under this section it shall be incumbent on the counties to maintain such records pertaining to expenditures and to conform to such other requirements in respect thereto as may be prescribed by the Department of Social Security.

SEC. 12. The provisions of this act shall be mandatory upon every county in the state, except that by joint action of the Boards of County Commissioners of two or more counties, approved by the committee, public assistance may be administered through a single administrator acting for such counties jointly, and no county shall be prejudiced by such joinder in respect to grant-in-aid allocation which it would otherwise be entitled to receive.

SEC. 13. The Social Security Committee shall be empowered to establish and maintain state-wide or regional programs of assistance covering such services as the committee believes can be most efficiently and economically administered on a state-wide or regional basis, including services to crippled children, child welfare services; including foster home care, vocational training for the blind, assistance to other handicapped persons, and any other service of the same general character. Whenever the committee determines to establish and maintain a state-wide or regional program, it shall become the duty of the Department of Social Security to assume full charge and control over the administration thereof and thereafter it shall be the duty of County Administrators to refer applicants for assistance involving such services to the Department of Social Security. In programs of services to youth the department is empowered to enter into cooperative agreements for joint operation of such programs with Federal agencies including the National Youth Administration and with school districts and their local agencies.

SEC. 14. It shall be the duty of the Department of Social Security to establish uniform state-wide standards to govern the granting of assistance in the several categories of this act and it shall have power to compel compliance with such uniform standards as a condition to the receipt of state and Federal funds by counties for social security purposes.

SEC. 15. The moneys appropriated for public assistance purposes and subject to allocation as in this act provided shall be allocated to counties on the basis of past experience and established case load history.

SEC. 16. Moneys set aside for general assistance purposes may be granted either as work relief as herein defined or direct relief, as circumstances may require. The Director of Social Security shall have power to acquire and distribute, through County Administrators, surplus Commodities of the Federal surplus commodities corporation, or its successor, and also to certify persons for Federal programs, but only if such certification is required by Federal law, rules or regulations. In the administration of general assistance under this act, County Administrators shall in so far as possible grant work relief to unemployed employables and confine direct relief to those persons who by reason of bodily or mental infirmity, or other cause, are incapacitated from gainful employment.

SEC. 17. Upon receiving an application for any category of Federal-aid assistance under this act, the County Administrator shall within forty-five days make or cause to be made such investigation as he may deem necessary to determine the applicant's eligibility therefor, and render his decision: PROVIDED, That if

at the end of the forty-five day period the application has not been approved because of inability to establish age, the application shall still be considered as pending, and, if the applicant be found eligible, the administrator shall determine the amount of assistance to be granted out of available funds in accordance with the uniform standards theretofore established.

Such assistance may be granted only to such persons as are in need. A person shall be considered to be in need within the meaning of this act who does not have resources sufficient to provide himself and dependents with food, clothing, shelter, and such other items as are necessary to afford a reasonable subsistence. "Resources" are hereby defined to include (1) assistance in cash, in kind, or in support given by relatives, friends or organizations, (2) ability of relatives within the classes hereinafter described to contribute to such support: PROVIDED That where such relative or relatives shall refuse to so contribute the administrator may, in his discretion and upon written findings of fact filed by him, determine that ability of a relative or relatives to so contribute shall not constitute a resource sufficient to render the applicant ineligible to assistance, and (3) real and tangible personal property (excluding the home, household goods and personal effects of the applicant, livestock not exceeding \$150 in value, and all foodstuffs produced by the applicant for himself and family), insurance policy cash surrender values and loan values (excluding cash surrender values less than \$300, and loan values less than \$100, under insurance policies which have been in effect for more than five years), cash income or cash in hand, bank deposits, savings accounts, postal savings, stocks and bonds, notes, mortgages and all other property of whatsoever nature.

The amount of assistance to be granted in each individual case shall be determined on a budgetary basis, taking into account the need of the applicant and his dependents and the resources of the applicant and of persons responsible for care of the applicant. "Persons responsible for care of the applicant" are hereby declared to be husband or wife, parents (except in the case of applicants who have attained the age of sixty-five years), sons and daughters of legal age and brothers and sisters (but only in the case of applicants by or for whom application is made who are under sixteen years of age), residing within the state, who are financially able to contribute to the support of the applicant in whole or in part, the determination of which shall be made by the administrator.

SEC. 18. General assistance shall be given to unemployable persons and unemployed employable persons in such manner, on such basis and subject to such conditions as may be prescribed by the department and approved by the committee. "Unemployable persons" are hereby defined to be those person who by reason of bodily or mental infirmity or other cause are incapacitated from gainful employment, and who are not eligible to receive or are not receiving Federal-aid assistance. "Unemployed employable persons" are hereby defined to be those persons who although capable of gainful employment are unemployed, and who are not eligible to receive or are not receiving Federal-aid assistance.

SEC. 19. An applicant for any category of public assistance under this act may, in the discretion of the administrator, be granted general assistance at once upon making application therefor provided he submits to the administrator a sworn statement of need and resources; but if upon due investigation and inquiry

on the part of the administrator it shall develop that such applicant swore falsely, he may be proceeded against criminally and if convicted be punished as for a gross misdemeanor. The county, through its Prosecuting Attorney, may also in such cases institute and prosecute an action to recover any moneys wrongfully received by the applicant by means of his false statement.

SEC. 20. The amount of assistance to be granted an applicant in a specific category of Federal-aid assistance as established by this act shall in no event, when added to resources of the applicant, exceed the limitations established by any act or acts now in existence or hereafter enacted governing the particular category of assistance, including chapter 182, Laws of 1935, as amended by chapter 156, Laws of 1937, chapter 114, Laws of 1937 and chapter 132, Laws of 1937, or the same may be hereafter amended or supplemented.

SEC. 21. It shall be the duty of the State Auditor to audit the accounts, books and records of the Department of Social Security. The Social Security Committee shall immediately upon the taking effect of this act proceed to establish and install a uniform accounting system for all categories of public assistance, applicable to all officers, boards, commissioners, department or other agencies having to do with the allowance and disbursement of public funds for assistance purposes, which said uniform accounting system shall conform to the accounting methods required by the Federal government in respect to the administration of Federal funds for assistance purposes.

SEC. 22. . . . (Vetoed)

SEC. 23. . . . (Vetoed)

SEC. 24. Upon the death of any recipient of assistance the department may file a claim for the total amount of assistance granted under this act and upon the filing thereof such claim shall be allowed by the court as a preferred claim against the estate of such person, subject only to funeral expenses not to exceed \$100 and expense of administration. No such claim shall be enforced against any real estate while it is occupied by the surviving spouse or minor child or minor stepchild of the decedent, but the statutes of limitation shall not run against such claim so long as the collection thereof is prohibited, as hereinabove provided. All recoveries under this act shall be distributed between the county, state and Federal government in the proportion they have respectively paid to such recipient: PROVIDED, That no recovery shall be claimed for any assistance granted prior to the effective date of this act.

SEC. 25. Assistance given under this act shall not be transferable or assignable at law or in equity and none of the moneys received by recipients under this act shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law.

SEC. 26. In carrying out any of the provisions of this act, the committee, the director, the Board of County Commissioners and the administrator shall have power to subpoena witnesses, administer oaths, take testimony and compel the production of such papers, books, records and documents as they may deem relevant to the performance of their duties; but no officer or agency mentioned in this section shall have power to compel the production of any papers, books, records or documents which are in the custody of any other such officer or agency and within his or its power to provide voluntarily on request.

SEC. 27. Any person or persons concealing resources such as cash in hand, bank accounts, savings accounts, cash income, or any other kind of resources and who shall have been granted assistance under this act while having such resources shall be liable for the amount of such assistance and the department or administrator is authorized and directed to recover the amount thereof in a civil action for debt against such recipient, his heirs, executors or assigns.

SEC. 28. In furthering the purposes of this act, the director or any county administrator may accept contributions or gifts in cash or otherwise from persons, associations or corporations, such contributions to be disbursed in the same manner as moneys appropriated by this act: PROVIDED, That the donor of such gifts may stipulate the manner in which such gifts shall be expended.

SEC. 29. There is hereby appropriated from the general fund for the biennium ending March 31, 1941, the sum of five hundred thousand dollars (\$500,000) to cover the re-expenditure of such funds as may be returned to the state under the provisions of section 10 of this act.

Any moneys made available for the purposes of this act shall be devoted exclusively to the furnishing of assistance to needy persons as authorized and provided by this act, and no part of said moneys shall be used for the sponsorship, in whole or in part, of any public works or work relief project or undertaking.

SEC. 30. There is hereby created a Washington Welfare Survey Commission, hereinafter called the commission, of five members to be appointed by the Governor from among the qualified electors of the state, none of whom shall hold any compensated public office under the state or Federal governments. Each member of the

commission shall hold office and be removable at the pleasure of the Governor and shall serve until his or her successor is duly appointed and qualified. The members of the commission shall serve without compensation but may be reimbursed for actual expenses necessarily incurred in the performance of their duties, such reimbursement to be by itemized voucher of the State Auditor certified and approved by the chairman of the commission.

SEC. 31. The commission, upon the appointment of its members, shall meet at the state capitol and organize by the election of one of its members as chairman and one as secretary of the commission.

SEC. 32. The duties of the commission shall consist of a survey of the fact involved in the whole problem of public assistance in the State of Washington, including the nature and extent of need as defined herein in the several categories of assistance provided in this act, various methods properly to be employed in determining the eligibility for and the granting of public assistance, probable future costs of assistance hereunder, and of the resources available and to become available from Federal aid, the state and the counties therefor.

The commission shall give consideration to the activities and requirements of the various Federal and county agencies and other state departments which deal with related problems. The commission, from time to time, shall report its findings to the Governor and make such recommendations thereon as it deems advisable and, on or before December 1 of each year, submit to the Governor its report of findings and recommendations, which report shall constitute public records.

SEC. 33. For its purposes, the commission is empowered to examine the records of the Department of Social Security and of the several counties, and the Director of Social Security, the county administrators of the several counties and all other state and county departments and agencies shall make available all such information desired by the commission.

SEC. 34. The commission may employ such clerical and other assistance and personnel and incur such other expenses as may be necessary to enable it to carry out the powers and duties herein granted and imposed. It shall prepare and submit to the Director of Social Security, quarterly, a budget covering its anticipated expenses for the succeeding quarter, which budget, when approved by the Governor, shall constitute the items incurred thereunder for administrative expenses of the Department of Social Security, for the payment of which the State Auditor shall draw warrants payable from funds appropriated for the Department of Social Security.

SEC. 35. Chapter 180, Laws of 1937, excepting section 11, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed: PROVIDED, That this act shall not be construed to repeal or modify in any respect the provisions of title 74, Remington's Revised Statutes, or chapter 139, Laws of 1931.

SEC. 36. Nothing contained in this act shall be construed to derogate from, or limit, the power of Boards of County Commissioners to provide necessary county revenue by the declaration of emergencies in proper cases as provided by law.

SEC. 37. If any clause, sentence, paragraph, section or other portion of this act or the application of this act to any particular person or circumstance, be adjudged invalid or unconstitutional, such adjudication shall not affect the remaining portions of the act, or its application to any other person or circumstance, not directly involved in the action in which such adjudication was made.

SEC. 38. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect April 1, 1939.

Passed the Senate March 9, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 20, 1939, with the exception of sections 22 and 23 which are vetoed.

* * * *

COUNTY ADVISORY COMMITTEES:

(Section 35, Chapter 216, Laws of 1939 repeals all of Chapter 180, Laws of 1937 with the exception of Section 11 which deals with County Advisory Committees)

SEC. 11. The various boards of county commissioners shall be the agents of the State Department of Social Security in determining the local causes which lead to the need for public assistance and in performing such activities as will tend to remove those causes.

To assist in this preventive work the board of county commissioners, in cooperation with the department, shall appoint an advisory committee in each county composed of five or more local citizens selected on the basis of their known interest and experience in the fields of public welfare, child welfare, employment, health, and education.

These advisory committees shall make such studies of local conditions in

the field of social security as will enable them to make recommendations relative to improvements in general living conditions and in the administration of public assistance to the end that there will be a lessening of the need of public assistance in that county.

The members of the advisory committee shall be chosen by the respective boards of county commissioners and shall serve for two years from the time of their appointment and may be reappointed regularly at the pleasure of the board of county commissioners.

The members of the advisory committee shall serve without pay but shall be reimbursed for actual travel and other expenses involved in carrying out the work of their committee.

The advisory committee shall prepare and submit a budget covering the expenses incident to their studies and other related activities, and the funds necessary for such budget when approved by the board of county commissioners may be considered a proper administrative expense and as such included in the quarterly budgets provided for in section 7 of this act.

CHAPTER 114, LAWS OF 1937

AID TO DEPENDENT CHILDREN—CHILD WELFARE SERVICES— —SERVICES TO CRIPPLED CHILDREN:

AN ACT relating to and providing for aid to dependent children, child welfare services and services to crippled children as included in the Federal Social Security Act; prescribing the powers and duties of certain state officers in connection therewith; providing for the fund to care for all services herein mentioned; repealing section 9993 to section 9998, inclusive, Remington's Revised Statutes and chapter 110, of the Laws of 1935, and providing when the act shall take effect.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Aid to Dependent Children. For the purpose of this act the term "dependent child" means a child under the age of sixteen (16) years who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandmother, grandfather, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle or aunt, in a place of residence maintained by one of (or) more of such relatives as his or their own homes. The terms "aid to dependent children" means money payments with respect to a dependent child or dependent children.

SEC. 2. There is hereby adopted a statewide plan for aid to dependent children: It shall be the duty of the state department of social security, and the department, through and by means of the division for children, is hereby empowered to serve as a single state agency in the administration of this act, and to exercise such supervision and promulgate and enforce such rules and regulations as are necessary to assure full local compliance with the terms of the Federal grants.

SEC. 3. Such aid shall be granted in such amount as will, when added to the income of the family, provide dependent child or children with a reasonable subsistence compatible with decency and health. The amount of aid to be granted in each case shall be determined upon the basis of need and in view of the particular facts and circumstances of each case.

SEC. 4. To be eligible for aid granted under this act, it shall be established to the satisfaction of the department of social security that the parent has been a resident of the state for one year, or that the child of such family has resided in this state for a period of one year immediately preceding application for such aid, or was born within the state within one year immediately preceding the application if his mother has resided in the state for one year immediately preceding his birth.

SEC. 5. The department of social security, through and by means of the division for children, is hereby designated as the responsible agency for the administration of the aid provided by this act, and it is authorized and directed

to formulate in detail and administer the plan established by this act in such manner that allotments or grants from the Federal government may be made available for the support of dependent children. The details of such plan shall be formulated in such manner as to meet with the approval of the Federal agencies created or designated to administer Federal aid to states providing for aid to dependent children.

SEC. 6. Child Welfare Services. The department of social security, through and by means of the division for children, shall have the power to cooperate with the Federal government, its agencies or instrumentalities in developing, administering and supervising a plan for establishing, extending aid and strengthening services for the protection and care of homeless, dependent and neglected children and children in danger of becoming delinquent and to receive and expend all funds made available through the department of social security by the Federal government, the state or its political subdivisions for such purposes.

SEC. 7. Services to Crippled Children. The department of social security, through and by means of the division for children, shall have the power: To establish and administer a program of services for children who are crippled or who are suffering from conditions which lead to crippling, which shall provide for developing, extending, and improving services for locating such children, and for providing for medical, surgical, corrective, and other services and care, and facilities for diagnosis, hospitalization, and after care; supervise the administration of those services, included in the program, which are not administered directly by it; extend and improve any such services, including those in existence on the effective date of this act; cooperate with medical, health, nursing, and welfare groups and organizations, and with any agency of the state charged with the administration of laws providing for vocational rehabilitation of physically handicapped children: To cooperate with the Federal government, through its appropriate agency or instrumentality in developing, extending, and improving services; and receive and expend all funds made available to the department by the Federal government, the state or its political subdivisions or from other sources, for such purposes.

SEC. 8. It is hereby provided that an applicant or recipient of public assistance or services, as provided in this act, who shall be dissatisfied with a decision on his application for such public assistance or services may appear before the board of county commissioners in the county in which he resides, relative to said complaint. If such complainant is still dissatisfied, he may appeal to the director, and upon such appeal an opportunity shall be granted for a hearing.

SEC. 9. Any person claiming benefit under this act shall file an application with the local administrative board in the county of residence. The local administrative board shall fully establish the facts set forth in the application and any other facts it deems necessary. The department shall have power to issue subpoenas for witnesses, compel their attendance and examine them under oath.

SEC. 10. All aid granted under this act shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of the state.

SEC. 11. The supervisor of the division for children shall make a detailed report to the director of social security within ninety days after the first of each calendar year showing all appropriations received and how the same have been expended, and covering its activities and accomplishments for the preceding year, and making recommendations therein for the further improvement of any of the provisions of this act.

SEC. 12. The department of social security, through and by means of the division for children, is hereby empowered and authorized to cooperate with the Federal Social Security Board and the United States Children's Bureau in any reasonable manner as may be necessary to qualify for Federal assistance for aid to dependent children, child welfare services and services to crippled children in conformity with the provisions of the Social Security Act; including the making of such reports in such form and containing such information as the Federal government, or the proper agency having authority in the premises, may from time to time require, and comply with such provisions as the Federal government may from time to time find necessary: Provided, further, Nothing in this act shall be construed as authorizing any state official, agent, or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child, or of the person standing in loco parentis to such child.

SEC. 13. The director of social security shall be empowered to promulgate such rules and regulations as shall be necessary to effectuate and carry out the purposes of this act.

SEC. 14. The funds necessary to carry out the provisions of this act shall be made available from the revenues provided by the Federal, state and county governments for public assistance.

SEC. 15. The department of social security, through and by means of the division for children, is authorized to receive moneys by gifts or bequests and expend the same for any of the objects and purposes set forth under this act; and shall include in the annual report to the director of social security a statement of the moneys so received and expended.

SEC. 16. Sections 9993 to 9998, inclusive, of Remington's Revised Statutes* and chapter 110, of the Laws of 1935, and all acts or parts of acts in conflict herewith are hereby repealed.

* Secs. 9993-9998, inclusive, of Rem. Rev. Stat., made provision for the granting of Mother's Pensions.

SEC. 17. If any section, clause or part of this act shall for any reason be adjudged invalid or unconstitutional, such adjudication shall not affect the remaining portions of the act.

SEC. 18. This act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions and shall take effect April 1, 1937.

Passed the Senate March 2, 1937.

Passed the House March 8, 1937.

Approved by the Governor March 13, 1937.

CHAPTER 172, LAWS OF 1933—
AS AMENDED BY THE LAWS OF 1935 AND 1937. —

APPROVAL OF AGENCIES, INSTITUTIONS,
AND PERSONS CARING FOR CHILDREN
OR PLACING CHILDREN FOR CARE.

(Powers and duties conferred by this law are assigned to the Division of Child Welfare in the Department of Public Welfare by Sec. 8 (1), Ch. 176, Session Laws of 1935.)

AN ACT creating the State Department of Social Security and several divisions thereof, providing for the appointment of officers to administer such department and divisions and prescribing their powers and duties, abolishing the Department of Public Welfare and divisions thereof, providing for a transfer of property and business of such department to the Department of Social Security and declaring that the act shall take effect April 1, 1937.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. There is hereby created a department of the state government which shall be known as the department of social security. The chief executive officer thereof, who shall be designated the director of social security, shall be appointed by the governor, with the consent of the Senate, and shall hold office at the pleasure of the governor. If the Senate be not in session, when this act takes effect or if a vacancy occur while the Senate is not in session, the governor shall make a temporary appointment until the next meeting of the Senate, when he shall present to the Senate his nomination for the office.

SEC. 2. The department of social security shall be organized into and consist of four divisions to be designated, respectively, (1) the division of public assistance, (2) the division of old-age assistance, (3) the division for children and, (4) the division for the blind.

SEC. 3. The director of social security shall have the power and it shall be his duty, through and by means of the division for children:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the division of child welfare of the department of public welfare.

(2) To exercise such other powers and perform such other duties as may be prescribed by law.

The powers and duties heretofore conferred on the State Department of Public Welfare and on the Department of Business Control are now conferred on the division for children under section 10, chapter 111, of the Laws of 1937, and those powers are as follows:

(1) To examine and approve all articles of incorporation for agencies, societies, associations, or institutions organized for the rescue and temporary care of dependent and delinquent children and for the placement of such children in family homes or in special institutions, or established as orphanages and homes to provide temporary or continued care for such children; and no certificate of incorporation or amendment of articles of existing corporations shall hereafter

be issued to any such associations or institutions organized for such work except upon the filing with the secretary of state of a certificate of approval, issued by the director of social security. Such certificate shall be issued by said director upon reasonable and satisfactory assurance upon the following points:

- (a) The good character and intentions of the applicant;
- (b) The present and prospective need of the service intended by the proposed organization, with no unnecessary duplication of approved existing service;
- (c) Provision for employment of capable, trained or experienced workers;
- (d) Sufficient financial backing to insure effective work;
- (e) The probability of permanence in the proposed organization or institution;
- (f) That the methods used and the disposition made of the children will be in their best interests and that of society;
- (g) Articles of incorporation and related by-laws;
- (h) That in the judgment of the director the establishment of such an organization is necessary and desirable for the public welfare.

(2) To inspect and supervise and to provide rules and regulations for the operation and government of all child caring agencies, societies, associations, institutions, or persons, whether incorporated or not, within the state.

(3) To issue certificates of approval annually to all such agencies, societies, associations, institutions or persons, whether now existing or hereafter organized, and whether incorporated or not.

(4) To require regular reports on forms to be provided by him, from all such agencies, societies, associations, institutions or persons at least annually, and oftener in his discretion, concerning their operation and management.

(5) To suspend or revoke any certificate issued hereunder upon satisfactory evidence that the holder thereof, in his discretion, has failed or refused to comply with the provisions of this act or to furnish proper care or treatment for the children under its control: Provided, That before any such certificate is suspended or revoked, the director of social security shall notify the agency, society, association, institution or person, to whom such permit has been granted that such action is contemplated, and the reason or grounds therefor. And such agency, society, association, institution or person shall have, upon being advised, ten (10) days within which to submit evidence to show why such action should not be taken. In the event any such agency, society, association, institution or person shall feel aggrieved at any decision or order of the director of social security relative to the refusal to issue, or to the suspension or revocation of the certificate of approval herein provided for, it may, within fifteen (15) days file its notice of appeal from such decision or order in the superior court of Thurston county, Washington, together with a statement of the grounds of its appeal, and the court shall proceed summarily to hear and determine the question raised by such appeal and enter such order therein as to the court may seem met

and proper. Either party shall have the right of appeal from such judgment and decision to the supreme court of the State of Washington, the practice and procedure in appeals in civil cases to govern in such appeals.

SEC. 4. All agencies, societies, associations, institutions, or persons now engaged in caring for children or children and adults, or placing children for care, within this state, shall report to said division and shall be subject to all the provisions of this act, except as to incorporation, and no agency, society, association, institution or person shall hereafter carry on the work of caring for children or children and adults, or of placing children for care, without first procuring the certificate of approval provided for herein, and complying with the provisions thereof.

SEC. 5. Any agency, society, association, institution or person, whether incorporated or unincorporated, and the individual or individuals acting for or in its name, who shall hereafter carry on the work of caring for children, or children and adults, or of placing children for care, without a certificate of approval from the director of social security, or who shall wilfully fail or refuse to report as required by said director, or shall wilfully obstruct or hinder him or his agents in inspection or investigation of the agencies, societies, associations, institutions, or persons under their control or charge, shall be guilty of a misdemeanor.

SEC. 6. All files, reports, documents and information pertaining to a neglected, dependent, or delinquent child or children required by the director of social security to be furnished by any of the agencies, societies, associations, institutions or persons, pursuant to this act, shall be deemed confidential and privileged and no disclosure thereof shall be made except where required by order or process of the superior court of Thurston County in any suit therein pending: Provided, That all records and information of any agency, society, association, institution or person with respect to any neglected, dependent or delinquent child shall be the property of the said agency, society, association, institution or person and when furnished to the director of social security in pursuance to this act, shall, as soon as they have served their purpose, be returnable to such agency, society, association, institution or person for permanent record: Provided, further, That at any hearing held pursuant to this act either by the director of social security or by the superior court of Thurston county, the general public shall be excluded from the room where the hearing is had, admitting thereto only such persons as may have a direct interest in the case. The records of the agency, society, association, institution or person concerned and the records of any neglected, dependent or delinquent child or children concerned, shall be confidential and privileged, but such records shall be open to the inspection of the child, its parents, guardian or its attorney, and to such other persons as may secure a special order of the court therefor. Such records shall be kept as unofficial records of the department or the court pending the proceedings, and at the conclusion of the same shall be returned to the agency, society, association, institution or person from which they originated.

SEC. 7. Definitions. The term "agency" or "child welfare agency," as used herein, is defined as any person, firm, association or corporation, and any private institution which receives for control, care and maintenance more than two (2) children under eighteen (18) years of age, but not counting, in the case of an individual, children related to such persons or under guardianship. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work.

The term "neglected," "dependent" and "delinquent" children shall be construed in the common and accepted sense given them in ordinary usage, including the definitions set forth in the juvenile court act of this state.

SEC. 8. Sections 2,3,4,5,6 and 7 of this act shall be numbered and designated as sections 44a, 44b, 44c, 44d, 44e, and 44f, respectively of chapter 7 of the Session Laws of 1921.

CHAPTER 132, LAWS OF 1937

SOCIAL SECURITY — DIVISION FOR THE BLIND

AN ACT establishing within the Department of Social Security a division for improving the condition of the blind and for the prevention of blindness and prescribing the power and duties thereof; making an appropriation therefor; repealing certain acts and parts of acts in conflict herewith and declaring that this act shall take effect April 1, 1937.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Creation of a Division for the Blind. There is hereby created within the Department of Social Security a division to be known as the Division for the Blind, which shall be charged with the duty of promoting, in the manner hereinafter set forth, the welfare of blind persons, persons with seriously impaired vision, and persons suffering from conditions which might lead to blindness.

SEC. 2. Employees of Division. The Director shall appoint and deputize an Assistant Director to be known as the Supervisor of the Division for the Blind, who shall have charge and supervision of the Division and have power, with the approval of the Director of Social Security to appoint and employ such assistants and personnel as may be necessary to carry on the work of the Division. Such assistants and personnel shall be selected upon the basis of their experience and qualifications in the field of work among the blind, and to the fullest extent possible shall be residents of the State of Washington at the time of their selection. In selecting personnel, blind persons who are qualified and available, shall be employed wherever practicable.

SEC. 3. Prevention of Blindness. In cooperation with the Department of Public Health, there shall be established and maintained such service as is needed looking toward the prevention of blindness, the purpose of which shall be to determine the causes of blindness, and to inaugurate and cooperate in any preventive measures for the State of Washington as may appear practicable. Whenever a blind or partially blind person can be benefited by medical or surgical treatment for which he is unable to pay, arrangement shall be made for an examination, with the consent of the individual, and for the necessary treatment by an ophthalmologist or physician skilled in the diseases of the eye.

SEC. 4. Vocational Aid and Training. The Department of Social Security through the Division for the Blind may maintain or cause to be maintained, in cooperation with the Division of Vocational Rehabilitation of the State Board of Vocational Education, services for vocational aid and training the objects of which shall be:

(a) To aid blind persons in finding suitable remunerative employment.

(b) To teach blind persons trades or occupations which may be followed in their homes and to assist them in whatever manner may seem advisable in disposing of the products of their home industries.

(c) To establish and/or maintain one or more training schools and/or workshops to teach blind persons trades or occupations when such training is feasible and will contribute to the efficiency and/or self-support of such blind persons and to devise means for the sale and distribution of the products thereof.

(d) To provide living maintenance to blind persons during their training or instruction in any suitable occupation, whenever the training or instruction in question will contribute to the self-support of such blind persons. When special educational opportunities cannot be had in this state, they may be arranged for outside the state.

(e) To aid individual blind persons or groups of blind persons to become self-supporting by furnishing materials or machinery to them, and also

(f) To provide home visitation and home teaching of subjects which will assist blind persons in the ease and enjoyment of daily living.

SEC. 5. Accounts and Audit for Industries. There shall be separate books of accounts for the industries of the Division for the Blind, and all moneys received from the sale of any products made at its training schools and/or workshops or from the sale of products made under its supervision to which it has title shall be paid into the State Treasury to be considered a part of the appropriation.

SEC. 6. Supervision. It shall be the duty of the Department of Social Security, through the Division for the Blind, to serve as the state supervising agency in the administration of assistance as provided in this act.

SEC. 7. Administration of Assistance. County Commissioners acting as a local administrative board shall be charged with the duty of administering financial assistance to needy individuals who are blind in the manner hereinafter provided.

SEC. 8. Eligibility for Assistance. Assistance shall be granted under this act to an applicant:

(a) Who is twenty-one years of age or over; or who has reached his sixteenth birthday and is found not to be acceptable for education at the State School for the Blind;

(b) Who has no vision or whose vision, with correcting glasses, is so defective as to prevent the performance of ordinary activities for which eyesight is essential;

(c) Who is unable to provide himself with the necessaries of life, has no sufficient means of his own to support him, and whose total income and resources are less than \$900 per year;

(d) Who has resided in this state for five years during the nine years immediately preceding the date of application, or who suffered loss of sight while a resident of this state and has resided continuously in this state since such loss of sight; and who has resided in this state continuously for one year immediately preceding the date of application; and

(e) Who is not an inmate of any public institution: Provided, That an inmate of a public institution may make application while in such institution but the assistance if granted shall not be paid until after he ceases to be such an inmate; and

(f) Who is not, at the time of making application, suffering from mental or physical infirmity, which, in itself, would make him a charge upon any public institution or other public agency; and

(g) Who is not publicly soliciting alms in any part of this state. The term "publicly soliciting" shall be construed to mean the wearing, carrying, or exhibiting of signs denoting blindness and the carrying of receptacles for the reception of alms, or the doing of the same by proxy, or by begging.

SEC. 9. Application. Any person claiming benefit under this act shall file an application with the local administrative board in the county of residence. The local administrative board shall fully establish the facts set forth in the application and any other facts it deems necessary. An examination of the applicant's eyes by an ophthalmologist or physician skilled in the diseases of the eye shall be provided without charge to the applicant.

SEC. 10. If the local administrative board is satisfied that the applicant is entitled to assistance under the provisions of the act, assistance shall be granted, said assistance to be paid in monthly payments from the funds appropriated for public assistance. The amount of assistance which any person shall receive shall be determined with due regard to the resources and necessary expenditures of the individual and the conditions existing in each case and such assistance shall be, together with all other income and resources of the recipient, not less than \$40.00 per month.

On the death of a recipient of aid to the Blind, reasonable funeral expenses not to exceed one hundred dollars (\$100) shall be paid by the Department of Social Security if the estate of the deceased is insufficient to pay the same.

SEC. 11. Guardian. If a person receiving assistance under this act is, on the testimony of reputable witnesses, found incapable of handling such money the payment may be directed to a legally appointed guardian.

SEC. 12. Annual Reinvestigation. A reinvestigation of the conditions of all recipients of assistance shall be made annually or more often as deemed to be necessary, and in case the condition of a recipient is found to have changed the amount of the assistance shall be increased, modified or discontinued as the changed conditions may warrant.

SEC. 13. Right of Appeal. Any blind applicant for or recipient of financial assistance who is dissatisfied with the action of the Division for the Blind regarding his application for benefit under this act may appeal to the local administrative board, if not satisfied an appeal may be made to the Director of Social Security, and upon such appeal shall be granted a further hearing. Written notice shall be given of the date and place of such hearing. The opportunity shall be given to present all facts with supporting evidence which bear upon the eligibility for assistance. The claimant and the Division for the Blind shall be duly notified of the decision which shall be deemed to be the final decision, unless within ten days further appeal is initiated showing pertinent facts not filed at the time of hearing. In such instances the Director if he deems the facts to have a bearing upon the decision shall give written notice of rehearing.

SEC. 14. Recipient of Old Age Assistance Not Eligible. No assistance shall be given under the provision of this act to any individual for any period with respect to which he is receiving aid under chapter 182, Laws of 1935, of the State of Washington, or any acts amendatory thereof or supplemental thereto.

SEC. 15. Fraudulent Claim a Misdemeanor. Any person who shall knowingly or wilfully procure or attempt to procure, directly or indirectly, any allowance for assistance under this act, for or on account of a person not entitled thereto, or who shall knowingly or wilfully pay or permit to be paid any allowance to a person not entitled thereto, shall be guilty of a misdemeanor.

SEC. 16. Recovery from a Recipient. If at any time during the continuance of assistance the recipient thereof becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of assistance it shall be the duty of the recipient immediately to notify the local administrative office of the receipt or possession of such property or income and the local administrative board may, after investigation, either cancel the assistance or alter the amount thereof in accordance with the circumstances. Any assistance paid after the recipient has come into possession of such property or income and in excess of his need shall be recoverable by the state as a debt due to the state.

SEC. 17. Rules and Regulations. The Director of the Department of Social Security shall have the power to make rules and regulations and take such action as may be necessary or desirable for carrying out the provisions of this act.

SEC. 18. Cooperation with Federal Government. The Department of Social Security is hereby empowered and authorized to cooperate with the Federal Social Security Board, created under the Social Security Act, approved August 14, 1935, and the United States office of Education in the administration of the Sheppard-Randolph Act approved June 20, 1936, in any reasonable manner as may be necessary to qualify for Federal assistance to the needy blind in conformity with the provisions of these acts; including the making of such reports in such form and containing such information as the Federal government may from time to time require and comply with such provisions as the Federal government may from time to time find necessary.

SEC. 19. Division May Receive Gifts. The Department of Social Security through its Division for the Blind is authorized to receive moneys by gifts or bequest and expend the same for any of the objects and purposes set forth under this act; and shall include in the annual report to the Director of Social Security a statement of the moneys so received and expended.

SEC. 20. Report of Division. The Supervisor of the Division for the Blind shall make a detailed report to the Director of Social Security within ninety days after the first of each calendar year showing all appropriations received and how the same have been expended, and covering its activities and accomplishments for the preceding year, and making recommendations therein for the further improvement of the condition of the blind and the prevention of blindness in the state.

SEC. 21. Validity. If any portion of this act shall be declared unconstitutional, such declaration shall not affect the validity of the remaining portions of this act, which shall remain in force as though such declaration had not been made.

SEC. 22. Repeal. Chapter 102, Laws of 1933, and chapter 106, Laws of 1935, and all acts or parts of acts in conflict herewith, are hereby repealed.

SEC. 23. Effective Date. This act is necessary for the immediate preservation of public peace, health and safety and shall take effect April 1, 1937.

Passed the Senate March 1, 1937.

Passed the House March 9, 1937.

Approved by the Governor March 15, 1937.

OLD AGE ASSISTANCE

CHAR 182, LAWS OF 1935, AS AMENDED BY CHAR 156, LAWS OF 1937

AN ACT relating to and providing for old age assistance; defining the powers and duties of certain officers in connection therewith; prescribing penalties; appropriating funds for such assistance; repealing chapter 29, Laws of 1933, abolishing county old age pension fund, amending section 9, chapter 55, Laws of 1933, and declaring its effective dates.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The care of aged persons who are in need or whose physical or other condition seems to render permanent their inability to provide properly for themselves is hereby declared to be a matter of state concern and a necessity in promoting and preserving the public health and welfare. To provide such care a statewide system of old-age assistance is hereby established.

SEC. 2. Subject to the provisions of this act, every person residing in the State of Washington, if in need, shall be entitled to old-age assistance from the state.

SEC. 3. Old-age assistance shall be given under this act to any person who

(a) Has attained the age of 65 years: Provided, That if the Federal government provides for Federal contribution to state old-age assistance payable to persons of age less than 65 years, then and in that event persons shall be entitled to assistance hereunder at such age as shall be provided in said Federal act;

(b) Has income which is less than three hundred sixty dollars (\$360) per year;

(c) Has been a resident of the State of Washington for at least five years within the ten years immediately preceding his application for old-age assistance;

(d) Is not at the time an inmate of a public institution of a custodial, correctional, or curative character, except in the case of temporary medical or surgical care in a hospital;

(e) Has not made a voluntary assignment or transfer of property for the purpose of qualifying for such assistance;

(f) Is not because of his physical or mental condition in need of continued institutional care.

SEC. 4.....

(Repealed by Sec. 2 of Chapter 25, Laws of 1939.)

SEC. 5. A person requesting old-age assistance under this act shall make his application therefor to the Department of Social Security. An inmate of any public institution of a correctional, custodial, or curative character may make an application while in such home or institution, but the assistance, if granted, shall not be paid until after he ceases to be such an inmate. The person requesting an old-age assistance grant may apply in person, or the application may be made by another in his behalf. The application shall be made in writing or reduced to writing, upon standard forms, prescribed and furnished by the Department of Social Security.

SEC. 6. The Department of Social Security is hereby authorized to and shall make rules and regulations necessary for the carrying out of the provisions of this act to the end that old-age assistance may be administered uniformly throughout the state, having regard for the varying costs of living in different parts of the state and that the spirit and purpose of this act may be complied with.

SEC. 7. Whenever the Department of Social Security receives an application for an old-age assistance grant, an investigation and record shall be promptly made of the circumstances of the applicant. The object of such investigation shall be to ascertain the facts supporting the application made under this act and such other information as may be required by the rules of the department. The department shall have the power to issue subpoenas for witnesses and compel their attendance and the production of papers and writings and may examine witnesses under oath.

SEC. 8. Upon the completion of its investigation, the Department of Social Security shall decide whether the applicant is eligible for and should receive an old-age assistance grant under this act, the amount of assistance, the manner of paying or providing it and the date on which the assistance shall begin. The department may make such additional investigation as it may deem necessary, and shall make its decision as to the granting of assistance and the amount and nature of assistance to be granted the applicant as in its opinion is justified and in conformity with the provisions of this act. The department shall notify the applicant of its decision in writing. Such decision shall be subject to a fair hearing, which hearing under the provisions of this section, unless appellant shall otherwise stipulate, shall be held in the county in which the appellant resides and shall be conducted by the director of the Department of Social Security, a duly appointed, qualified and acting supervisor thereof, or by an examiner specially appointed by the director for such purpose. Whenever a hearing is conducted by a supervisor or specially appointed examiner, a transcript of the testimony shall be made and included in the record which shall be submitted to the director for his decision.

Any appellant, feeling himself aggrieved by the decision of the director in any case, shall have the right of appeal to the superior court of the county of his legal residence, which appeal shall be taken by notice filed with the clerk of the court and served upon the director within thirty (30) days after the decision of the director.

SEC. 9. No person receiving old-age assistance grant under this act shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical and hospital care and nursing assistance.

SEC. 10. If the person receiving the old-age assistance is, on the testimony of reputable witnesses, found incapable of taking care of himself or his money, the director of social security may direct the payment of the installments of the old-age assistance to any responsible person or corporation for his benefit.

SEC. 11. On the death of a recipient of old-age assistance, reasonable funeral expenses not exceeding one hundred dollars (\$100) shall be paid by the department of social security if the estate of the deceased is insufficient to pay the same.

SEC. 12. If a recipient is convicted of any crime or offense, and punished by imprisonment, no payment shall be made during the period of imprisonment. In such cases, the assistance may be declared forfeited in the discretion of the department. The department may suspend temporarily the assistance granted to any person for any period during which such person is not in need thereof.

SEC. 13. If, at any time during the continuance of old-age assistance, the recipient thereof or the husband or wife of the recipient, becomes possessed of any property or income in excess of the amount enjoyed at the time of the granting of the assistance, it shall be the duty of the recipient immediately to notify the department of the receipt and possession of such property or income, and the department may, on inquiry, either cancel the assistance or vary the amount thereof in accordance with circumstances, and any excess assistance theretofore paid shall be returned to the state and be recoverable as a debt due the state.

SEC. 14. If at any time the department has reason to believe, by reason of a complaint or otherwise, that old-age assistance allowance has been improperly granted, it shall cause an investigation to be made and if it appears as a result of any such investigation that the assistance was improperly granted, the department shall immediately cause all further payments under any such allowance to cease.

SEC. 15. All assistance grants under this act shall be reconsidered from time to time, or as frequently as may be required by the rules of the department. After such further investigation as may be deemed necessary, the amount and manner of giving the assistance may be changed or the assistance may be withdrawn if the department finds that the recipient's circumstances have changed sufficiently to warrant such action. It shall be within the power of the department at any time to cancel and revoke assistance for cause, and it may for cause suspend payments for assistance for such periods as it may deem proper.

SEC. 16. The Department of Social Security is hereby authorized and directed to make such reports and in such detail as may be required of it to the Federal government. Within ninety (90) days after the close of each calendar year, the department shall make a report to the governor for the preceding year, stating (a) the total number recipients, (b) the amount paid in cash, (c) the total number of applications, (d) the number granted, (e) the number denied, (f) the number canceled during the year, and (g) such other information as may be deemed advisable.

SEC. 17. All assistance given under this act shall be inalienable by any assignment or transfer and shall be exempt from levy or execution under the laws of this state.

SEC. 18. * * * *

SEC. 19. * * * *

SEC. 20. Any person who by means of a wilfully false statement or representation, or by impersonation, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain:

- (a) Assistance to which he is not entitled;
- (b) Greater assistance than that to which he is justly entitled;
- (c) Payment of any forfeited installment grant;
- (d) Or aids or abets in buying or in any way disposing of the property of the recipient of assistance without the consent of the director of social security shall be guilty of a misdemeanor.

SEC. 21. All assistance granted under this act shall be deemed to be granted and to be held subject to the provisions of any amending or repealing act that thereafter be enacted, and no recipient shall have any claim for compensation, otherwise, by reason of his assistance being affected in any way by such amending or repealing act.

SEC. 22. A person 65 years of age or more not receiving old-age assistance under this act shall not by reason of his age be debarred from receiving other public relief and care.

SEC. 23. The Department of Social Security for the purpose of administration shall have power to establish such branch offices and/or appoint such subordinate officer, agencies or employees throughout the state as may be reasonably necessary to carry out the purposes of this act expeditiously and with a minimum of delay to applicants for assistance.

SEC. 24. All old-age assistance grants under this act shall be a charge against and payable out of the general fund of the state. Payment thereof shall be by warrant of the state auditor to be drawn upon vouchers duly prepared and verified by the director of social security.

SEC. 25. Any moneys which may be received by the State of Washington from the Federal government as aid in defraying the cost of old-age assistance under this act shall be deposited in the state treasury to the credit of the general fund but separate accounts shall be kept in order that the state may make such reports and render such accounting as may be required by the appropriate Federal authority.

SEC. 26. The state hereby accepts the provisions of that certain act of the Congress of the United States entitled, An act to provide for the general welfare by establishing a system of Federal old-age benefits, and by enabling the several states to make more adequate provisions for aged persons, blind persons, dependent and crippled children, maternal and child welfare, public health, and the administration of their unemployment compensation laws; to establish a Social Security Board; to raise revenue; and for other purposes, and such other act with like or similar objects as may be enacted.

SEC. 27. Whenever in this act the masculine pronoun is used it shall, in proper cases, be held to include the feminine.

SEC. 28. In order to effectuate and carry out the purposes of this act, there is hereby appropriated out of the general fund of the state, for the biennium ending March 31, 1937, the sum of ten million dollars (\$10,000,000), or as much thereof as shall be found necessary: Provided, That the cost of administration of the act shall not exceed five (5) per cent of the total amount expended for all purposes under its provisions.

SEC. 29. Chapter 29, Laws of 1933, is hereby repealed and no rights or privileges which may have been granted to any individual under said act shall be deemed continued by this act. Each county auditor shall, upon the taking effect of this act, immediately transmit to the department of public welfare all such records in his possession, or in possession of the board of county commissioners, as bear upon the eligibility of persons to assistance under the provisions of this act.

SEC. 30. That section 9, chapter 55 of the Laws of 1933 be amended to read as follows:

SECTION 9. In addition to the license fees required by this act, the licensee shall pay to the racing commission five (5) per centum of the gross receipt of all pari-mutuel machines at each race meet, which sums shall be paid daily to the racing commission. All sums paid to the commission, together with all sums collected for license fees under the provisions of this act, shall be disposed of by the

commission as follows: Twenty (20) per centum thereof shall be paid to and retained by the commission for the payment of salary of its members; of its secretary, and the salaries of all other clerical, office, and other help employed by the commission, together with all expenses in connection with the carrying out of the provisions of this act, except that no payment need be made for office accommodations furnished by the state:

Provided, however, That no salary, wages, expenses or compensation of any kind shall be paid by the State of Washington for, or in connection with the work of the commission in carrying out the provisions of this act; and the remaining eighty (80) per centum of all sums collected by the commission shall, on the next business day following the receipt thereof, be paid to the state treasurer, and by him placed in the general fund of the state treasury. Any moneys collected or paid to the commission under the terms of this act, and not expended by the commission as herein provided, at the time of making its report to the legislature, shall be paid to the state treasurer and be placed in the general fund of the state treasury.

SEC. 31. The county old-age pension fund is hereby abolished as of July 1, 1935. After the payment of all claims outstanding as of said date, which are a proper charge against such fund, the balance, if any remaining in the county old-age pension fund in each county of the state shall by the proper county officers be paid over and transferred to the current expense fund of said county.

SEC. 32. If any portion, section or clause of this act shall for any reason be declared invalid or unconstitutional such adjudication shall not affect the remainder of the act.

SEC. 33. This act is necessary for the preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect April 1, 1935: Provided, however, That no payments of old-age assistance shall be made under this act, and the repeal of chapter 29, Laws of 1933 and the amendment of section 9, chapter 55, of the Laws of 1933 shall not become effective, until after July 1, 1935.

CHAPTER 25, LAWS OF 1939

OLD AGE ASSISTANCE

AN ACT relating to old age assistance, prescribing the maximum amount thereof, amending section 4, chapter 182, Laws of 1935, as amended by section 2, chapter 156, Laws of 1937, defining the eligibility of persons entitled thereto and the basis for determining the amount of such assistance to be given in individual cases, barring certain claims and judgments as valid claims and judgments against the state and its political subdivisions, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. DECLARATION OF INTENT. The legislature hereby expressly declares its intent to be that the old age assistance authorized to be granted to individuals by chapters 156 and 180, Laws of 1937, or their antecedent acts, shall not be available to persons as a matter of right but rather that such old age assistance shall be available only to persons who are in need thereof as that term is hereinafter in this act defined. The State of Washington hereby disclaims liability for any and all claims heretofore filed or entered, or which may hereafter be filed or entered against it, wherein the state is sought to be held for grants of old age assistance to persons or individuals as a matter of right and not upon the basis of need as defined in this act, and no such claim shall ever be recognized as a valid claim against the State of Washington or any political subdivision thereof.

SEC. 2. That section 4, chapter 182, Laws of 1935, as amended by section 2, chapter 156, Laws of 1937, (section 9998-4 Remington's Revised Statutes) be amended to read as follows:

SECTION 4. It shall be the duty of the department of social security to provide adequately for those eligible for old age assistance under the provisions of this act. The amount and nature of old age assistance which any such person shall receive, and the manner of providing it, shall be determined by the said department with due regard to the conditions existing in each case; but such assistance together with the applicant's resources as defined in this act shall not exceed the sum of Thirty Dollars (\$30) per month to each recipient: PROVIDED, That in the event Federal participation shall be granted in excess of Fifteen Dollars (\$15) a month per recipient, the maximum may be increased to twice the amount that may be recovered for each recipient from Federal sources. The old age assistance may include, among other things, medical and surgical and hospital care and nursing.

SEC. 3. Upon receiving an application for old age assistance, the officer authorized by law to consider and pass upon the same shall within forty-five (45) days, make or cause to be made such investigation as he deems necessary to determine the applicant's eligibility therefor, and render his decision and, if the applicant be found eligible, the amount of assistance is to be granted in accordance with the uniform standard theretofore established.

Old age assistance shall be granted only to such persons as are in need. A person shall be considered to be in need within the meaning of this act who does not have resources sufficient to provide himself and dependents with food, clothing, shelter and such other items as are necessary to sustenance and health. "Resourees" are hereby defined to be (1) assistance in cash, in kind, or in support given by relatives, friends or organizations, (2) ability of relatives within the classes described in this section to contribute to such support: PROVIDED, That where such relative or relatives shall refuse to so contribute such officer may, in his discretion and upon written findings of fact filed by him, determine that ability of a relative or relatives to so contribute shall not constitute a resource sufficient to render the applicant ineligible to assistance and (3) real and tangible personal property (excluding the home, household goods and personal effects of the applicant, and all foodstuffs produced by the applicant for himself and family), insurance policy cash surrender values and loan values (excluding cash surrender valued less than \$300 and loan values less than \$100 under insurance policies which have been in effect for more than five years), cash income or cash in hand, bank deposits, savings accounts, postal savings, stocks and bonds, notes, mortgages and all other property of whatsoever nature.

The amount of assistance to be granted in each individual case shall be determined on a budgetary basis, taking into account the need of the applicant and his dependents and the resources of the applicant and of persons responsible for care of the applicant. "Persons responsible for care of the applicant" are hereby declared to be husband or wife, and sons and daughters of legal age residing within the state who are financially able to contribute to the support of the applicant in whole or in part, the determination of which shall be made by the officer administering old age assistance.

SEC. 4. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

SEC. 5. If any section or provision of this act be held invalid by a court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than the portion so held to be invalid.

Passed the Senate February 24, 1939.

Passed the House February 23, 1939.

Approved by the Governor February 25, 1939.

CHAPTER 205, LAWS OF 1939

STATE GRANTS TO POLITICAL SUBDIVISIONS

AN ACT relating to unemployment; providing for the relief of unemployed persons by making available funds for the sponsoring of public works and work relief projects on the part of the state and its political subdivisions, and by emergency grants-in-aid to counties for general assistance purposes; defining the duties of certain officers in relation thereto; making an appropriation, and declaring an emergency whereby the act shall take effect April 1, 1939.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. The Federal government for the relief of unemployment has made and will continue to make available to the state and its political subdivisions funds for public works and work relief projects. The political subdivisions of the state are financially unable to take full advantage of Federal grants for such purposes. Therefore, in order to insure the continuance of this program and the benefits accruing therefrom, it is necessary that the state assist counties, municipalities and school districts in the sponsorship of Federal public works and work relief projects and this act is enacted in furtherance of that purpose.

SEC. 2. For the purpose of assisting counties, school districts, cities and towns and other municipal corporations in sponsoring public works and work relief projects, and for emergency grants-in-aid to counties for general assistance purposes, there is hereby appropriated from the general fund to the State Social Security Committee for the biennium ending March 31, 1941, the sum of three million dollars (\$3,000,000).

SEC. 3. The moneys appropriated by this act shall be allocated from time to time by the Social Security Committee on application of counties and other sponsoring agencies for grants-in-aid. The committee shall have full discretion with respect to the allocation of such funds. It shall consider each application upon its merits and may require the agency applying for a grant-in-aid to submit such data as the committee may deem necessary to enable it to make a proper distribution of the available moneys, taking into consideration the financial condition of the agency applying for the grant, the number of unemployed persons who will be benefited thereby and such other factors as the committee may deem pertinent. Grants-in-aid allowed by the committee under this act shall be paid by warrant of the State Auditor at such intervals and in such manner as may be determined by the committee. The committee shall have power to require such reports and accounts with respect to funds allocated under this act as it may deem requisite to the efficient administration thereof.

Vetoed:

SEC. 4. This act is necessary for the preservation of the public peace, health and safety, support of the state government and its existing public institutions and shall take effect April 1, 1939.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 19, 1939, with the exception of section 4, which is vetoed.

C. 1

[illegible]

